

PATENT
App. Ser. No.: 10/020,026
Atty. Dkt. No. ROC920010306US1
PS Ref. No.: IBMK10306

REMARKS

This is intended as a full and complete response to the Office Action dated November 1, 2005, having a shortened statutory period for response set to expire on February 1, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-4, 7, 9-15, 17, 19-26, 28 and 30-36 are pending in the application. Claims 1-4, 7, 9-15, 17, 19-26, 28 and 30-36 remain pending following entry of this response. Claims 1, 3, 14, 17 and 25 have been amended. Applicants submit that the amendments do not introduce new matter.

Claim Objections

Claim 3 is objected to because of a minor informality. Applicants have amended claim 3 to address this issue. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claim Rejections - 35 U.S.C. § 101

Claims 14-15, 17 and 19-24 are rejected under 35 U.S.C. § 101. The Examiner asserts claims 14-15, 17 and 19-24 are directed to non-statutory subject matter. Applicants have amended independent claim 14 to address the concern raised by the Examiner. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4, 7, 12-15, 20, 25, 26, 28, 32-34 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yen*, (U.S. Pub. No. 20020054141) in view of *Hodgkinson* (U.S. Pub. No. 2002/0016802).

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill

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in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the first and third criteria.

The Examiner asserts that *Yen*, in view of *Hodgkinson*, teaches a method for controlling a viewable browser window that includes the step of receiving user input to which the controlled browser window is configured to produce a predetermined response, and also teaches overriding the predetermined response by executing an action specified by at least one event handler to cause a response different from the predetermined response, as recited by claims 1, 14, 25 and 34. Applicants respectfully traverse the rejection.

Yen is directed to a method for displaying multiple window displays "adjacently and simultaneously." See *Yen*, Abstract, ¶ 3, 15. *Yen* discloses that an application may display multiple windows where the display of one particular window may be dependent upon another. See *Yen*, ¶ 29. In the preferred embodiment disclosed by *Yen*, the display includes nine windows arranged in a tic-tac-toe like grid. See *Yen*, ¶ 26. When a user selects to close an application that is currently displaying some of the display windows from the grid, *Yen* discloses that the status of each window may be saved using a "display parameter." This parameter specifies whether the window is currently being displayed. See *Yen*, ¶ 38, 43. When the application is subsequently executed, "it displays all window displays 30 on the graphical user interface display 31 having display parameter 40 setting as visible." See *Yen*, ¶ 39. Importantly, as disclosed in *Yen*, the application program displaying the multiple window displays responds to user input to show (or remove) any of the windows presented on a screen in a manner consistent with the user's expectations. In other words, the application program always performs the expected action in response to the user's selection of windows to display. For example, Figure 3A shows an "extend function button 33C" used to display additional windows on the tic-tac-toe like grid. When a user clicks this button, an additional window may be displayed or an existing window may be "folded" underneath other existing window displays. See *Yen*, ¶ 32-33.

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The Examiner recognizes this aspect of *Yen* and concedes that *Yen* fails to disclose "receiving user input to which the controlled browser window is configured to produce a predetermined response and overriding the predetermined response by executing an action specified by the at least one event to cause a response different from the predetermined response." See *Office Action*, p.5.

However, the Examiner Asserts that *Hodgkinson* teaches these limitations, as recited by claims 1, 14, 25 and 34. Respectfully, Applicants disagree. *Hodgkinson* is directed to "an improved method for the generation of pages for an internet website on a display screen and particularly, although not necessarily exclusively, to the generation of pages using apparatus with relatively limited processing capability." *Hodgkinson*, ¶ 1. For example, *Hodgkinson* discloses that "Personal Computer (PC) based web browser facilities tend to search for and fetch the data for a selected internet web page" and then typically "display the display generated from the fetched data as soon as they can." *Hodgkinson*, ¶ 2. And further discloses that this can result in "jerky and unreliable navigation for the user." *Hodgkinson*, ¶ 3.

See *Hodgkinson*, Abstract, ¶ 1, 3. To avoid this problem, *Hodgkinson* discloses that when a user selects a web-page for display, the page is only reformatted only after specified time periods, or only after a specified amount of data has been downloaded and processed. This is done to help prevent the display of a user-selected web-page in a manner to reduce "flicker" or a "jerky" appearance, particularly on devices that lack substantial processing capability. See *Hodgkinson*, ¶ 3. *Hodgkinson* fails to disclose overriding the predetermined response that occurs when a user selects a webpage to download and view, instead *Hodgkinson* alters the conventional way in which a web page is formatted and reformatted.

Despite this focus on how web pages are formatted for display to a user, the Examiner asserts:

Hodgkinson further teaches receiving user input to which the controlled browser window is configured to produce a predetermined response and overriding the predetermined response by executing an action to cause a response different from the predetermined response (upon receiving user

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selection requesting a change in the layout of the displayed webpage, instead of executing the change, the system overrides the display change and prevents the browser from reformatting the pages) (Hodgkinson: paragraph 0015 on page 2).

Office Action, p.5. In fact, however, the material cited by the Examiner discloses that a user may select a webpage for download that is displayed on a display device. Specifically, the cited passages disclose that the formatting of the webpage may occur at predetermined times or after a predetermined amount of data has been downloaded.

Absent from these passages, however, is any change whatsoever in response to the user's request to download a webpage; the only modification, so far as taught in *Hodgkinson*, is when to reformat the display. See, e.g., *Hodgkinson*, ¶¶ 8, 15, 32, 35 and 36. Applicants submit that deferring the reformatting of a webpage as it is being download fails to disclose the recited limitation of receiving user input to which the second browser window is configured to produce a predetermined response and overriding the predetermined response by executing an action specified by the at least one event handler to cause a response different from the predetermined response, as recited by the present claims.

For all the foregoing reasons, therefore, Applicants' believe that independent claims 1, 14, 25 34, and the claims dependent therefrom are allowable, and, therefore, respectfully request the allowance of these claims.

Claims 3, 9-11, 17, 19, 21-24, 30-31 and 35 are rejected under 35 U.S.C. § 102(a) [sic] as being unpatentable by *Yen* and *Hodgkinson* and in view of *Netscape® Communicator 4.75*, copyright 2000 (hereinafter "*Netscape*").

Each of these rejected claims depends from one of independent claims 1, 14, 25 and 34. As set forth above, *Yen* fails to disclose a method for controlling a viewable browser window that includes receiving user input to which a second browser window is configured to produce a predetermined response and overriding the predetermined response by executing an action specified by the at least one event handler to cause a response different from the predetermined response.

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Further, the Examiner concedes that *Yen* fails to teach "aspects of the controlled browser window to be controlled by the controlling browser window [that] comprise at least one browser chrome element displayed by a graphical user interface displayed by the opened controlled browser window." See *Office Action*, p. 10. The Examiner asserts that *Yen*, in view of *Netscape* teaches or suggests this limitation.

Respectfully, *Netscape* does not teach or suggest a controlling at least one browser chrome element displayed by a graphical user interface displayed by the opened controlled browser window. In rejecting claims these claims, the Examiner cites screenshots taken of the *Netscape* program being used to display a web-page. As shown, the screenshots includes a user selecting a link on one of the screenshots to open a second browser window. In particular, the link to the second browser window is activated using a context sensitive menu choice: "Open Link in New Window." However, once the second window is opened, (screenshot 3 of the *Netscape* program) the original browser window (screenshot 2 of the *Netscape* program) fails to exert any control or influence over the second browser window, and fails to control any chrome element displayed by the opened controlled browser window. More generally, the original browser window fails to control any visual aspect of the controlled browser window. The user remains free to engage in any action or invoke any feature provided by the *Netscape* program, without any restriction or control effectuated by the first browser window. Further, in processing the "open link in new window" menu selection, the first browser window (screenshot 2) fails to exert any control over the visual appearance or functionality of the second browser window (screenshot 3).

The Examiner argues that the controlled browser window (presumably, the window of figure 2) is "controlling at least one browser chrome element by deactivating the display of a portion of the chrome, i.e., some of the navigation buttons such as the "back" and "forward" buttons." See *Office Action*, p 7. Respectfully, this argument mischaracterizes the *Netscape* screenshots. In this example, the "back" and "forward" buttons in screenshots 3 are not deactivated, and nor has the functional operations of these buttons modified in any way, by a controlling browser window, or otherwise; rather, the buttons appear "grayed out" because there are no "forward" or "back"

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browsed pages to access. Quite plainly, the visual aspects of the *Netscape* browser window are not controlled by a controlling browser window. Thus, the combination of *Yen* and *Netscape* fail to teach or suggest at least one browser chrome element displayed by a graphical user interface displayed by the opened controlled browser window. Accordingly, Applicants submit that claims 3, 9-11, 17, 19, 21-24, 30-31 and 35 are allowable, and respectfully request, therefore, that the rejection be withdrawn and the claims be allowed.

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Conclusion

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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